

REMARKS

In the present Amendment, Claim 1 has been amended to recite that the object material has at least two parts having different lyophilic properties individually. Section 112 support for the amendment is found, for example, at page 3, lines 1-2 of the specification. No new matter has been added, and entry of the Amendment is respectfully requested.

Claims 1-11 are pending.

In paragraph No. 2 of the Action, Claims 1 and 4 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bonkhoff et al (US 6,063,281).

Applicants submit that this rejection should be withdrawn because Bonkhoff et al does not disclose or render obvious the present invention.

Present Claim 1 relates to a method for collecting an object material from a solution composed of the object material and a first solvent by adding a second solvent and forming an emulsion. The object material to be collected is contained in the emulsion but in a state of not uniformly dissolved in the second solvent, and the object material to be collected is a specific material which has at least two parts having different lyophilic properties individually.

Furthermore, as recited at page 4, lines 8-13 of the specification, the rate of the object material to the first solvent in the formed emulsion become extremely higher than that of the object material to the first solvent in the solution, that is, the object material in the first solvent can be effectively concentrated in the emulsion formed in the second solvent. See, also Examples 1 and 2.

The Examiner states that Bonkhoff et al anticipates the broad scope of Claim 1 by teaching the extraction of organic compounds (object material) contained in an aqueous solution (first solvent) by intensely mixing the aqueous solution with a water immiscible liquid (second

solvent) generating an emulsion which is subsequently separated by centrifugation (abstract and column 2, lines 16-65). Per the Examiner, since instant Claim 1 makes no distinction between the compositions of the first and second solvents, nor the nature of the object material, instant Claim 1 reads on Bonkhoff et al.

Applicants respectfully disagree.

Bonkhoff et al teaches the extraction of organic compounds contained in an aqueous solution of non-ionic surfactants which contain the organic compound to be extracted, the aqueous solution is intensely mixed with a liquid which is not miscible with water whereby the organic compounds transfer to the liquid which is not miscible with water (column 1, line 64 to column 2, line 2).

Although Bonkhoff et al teaches the emulsification by intense mixing of the aqueous solution with the liquid which is not miscible with water, it is for forming a large area of interface between the two liquids (column 2, lines 16-18) and transferring the organic compounds effectively to the liquid which is not miscible with water. In Bonkhoff et al's process, it is clear that the organic compound to be extracted is soluble in the liquid which is not miscible with water (second solvent) and directly transferred to the liquid (second solvent).

That is, Bonkhoff et al does not teach the emulsion, wherein the object material to be collected is effectively concentrated and is in a state of not uniformly dissolved in the second solvent.

Further, Bonkhoff et al does not teach the object material to be collected is a specific material which has at least two parts having different lyophilic properties individually.

Accordingly, the present invention is neither anticipated by nor obvious over Bonkhoff et al.

In view of the above, reconsideration and withdrawal of the §102(b) rejection of Claims 1 and 4 based on Bonkhoff et al are respectfully requested.

In paragraph No. 6 of the Action, Claims 2 and 4-9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bonkhoff et al, and further in view of Nekrasov et al (Chemistry and Technology of Fuels and Oils, 1980, 16(2), 99-103) and the USEPA Contract Laboratory Program Statement of Work for Organics Analysis (May 1999, Section 10.1.3.1.3) (CLP SOW).

Applicants submit that this rejection should be withdrawn for essentially the same reasons that the §102(b) rejection based on Bonkhoff et al should be withdrawn, as discussed above. Nekrasov et al is relied upon as teaching the production of emulsions using ultrasonic devices and CLP SOW is relied upon as teaching the use of centrifugation as a separation method. Nekrasov et al and CLP SOW do not make up for the deficiencies of Bonkhoff et al.

At page 6 of the Action, Claims 3, 10 and 11 have been objected to as being dependent upon a rejected base claim, but have been indicated to be allowable if rewritten in independent form.

Applicants submit that Claims 3, 10 and 11 are allowable in their present form because Claims 1, 2 and 4-9 are patentable over the cited references as discussed above.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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